

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

JOHNNY MARSHALL,

Plaintiff,

v.

COFFEE COUNTY ADULT DETENTION
CENTER; and DOYLE WOOTEN, in his
individual capacity,

Defendants.

CIVIL ACTION NO.: 5:20-cv-150

O R D E R

Plaintiff, seeking to proceed *in forma pauperis*, brought this 42 U.S.C. § 1983 action. By Order dated December 1, 2020, the Court advised Plaintiff of the Prison Litigation Reform Act's procedures and requirements for filing and litigating prison civil rights suits. Doc. 3. The Court granted Plaintiff leave to proceed *in forma pauperis* and instructed him to sign and return the Consent to Collection of Fees from his Trust Account and the Prisoner Trust Fund Account Statement forms which were attached to the Court's Order. *Id.* The Court emphasized Plaintiff must return these forms within 30 days from the date of the December 1, 2020 Order to proceed with this action. *Id.* at 3–4. Moreover, the Court made clear if Plaintiff did not timely respond to the Order, “the Court will dismiss Plaintiff’s case without prejudice for failure to prosecute and follow this Court’s Orders.” *Id.* at 4.

Plaintiff has provided a copy of his consent to collection of fees form. Doc. 4. However, Plaintiff did not provide the form for his prison trust fund account. The Court again ordered Plaintiff to return this form. Doc. 5. In response, Plaintiff submitted a letter to the Court in

which he states he has attempted to have the completed trust form account returned to this Court but has been unsuccessful. Doc. 6. Given that Plaintiff has attempted to comply with the Court's prior Order, it will provide him with a third and final opportunity to submit his prison trust account forms.

The Court again **DIRECTS** the Clerk of Court to send Plaintiff a copy of this Order and the Court's prior Order, doc. 3, including the attached Prisoner Trust Fund Account Statement form. Plaintiff shall have **14 days** from the date of this Order to complete and return this form to the Court. **Should Plaintiff fail to complete and return this form within these 14 days, the Court will presume that Plaintiff does not intend to pursue this action and will dismiss this case without prejudice.** While the Court is not unsympathetic to Plaintiff's need to have prison officials complete this form on Plaintiff's behalf and the challenges that need present, the Court cannot allow Plaintiff an indefinite period of time to comply with its Orders.

SO ORDERED, this 1st day of February, 2021.



BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA